

OFFICIAL COURT NOTICE OF SETTLEMENT

CARLOS J. HERNANDEZ and RYAN A.
EVANS, on behalf of all others similarly
situated,

Plaintiffs,

v.

PAUL D. GUGLIELMO d/b/a
GUGLIELMO & ASSOCIATES,

Defendant.

United States District Court,
District of Nevada

Case No. 2:09-cv-00830-LDG-GWF

**PLEASE READ THIS NOTICE CAREFULLY
IT CONTAINS IMPORTANT INFORMATION ABOUT YOUR RIGHTS AND
BENEFITS UNDER THE PROPOSED SETTLEMENT**

The United States District Court for the District of Nevada authorized this Notice. This is not a solicitation from a lawyer.

IMPORTANT DATES

July 15, 2015: Last day to enter an appearance in this case

July 15, 2015: Last day to exclude yourself from the Settlement

July 15, 2015: Last day to object to the Settlement

Aug. 10, 2015: Final Approval Hearing

1. Why Should I Read this Notice?

A proposed settlement has been reached in a class action lawsuit now pending in the United States District Court for the District of Nevada, entitled *Carlos J. Hernandez et al. v. Paul D. Guglielmo d/b/a Guglielmo & Associates*, Case No. 2:09-cv-00830-LDG-GWF (the “Lawsuit”). This Notice explains the nature of the Lawsuit and the terms of the Settlement and informs you of your legal rights and obligations. You should read this Notice to learn how much money you can receive in the Settlement, what you need to do to claim that money, how the Settlement will affect your legal rights, and what you need to do if you wish to object to the Settlement or not participate in the Settlement.

2. What is this Lawsuit About?

Carlos J. Hernandez and Ryan A. Evans (“Plaintiffs”) filed this Lawsuit against Paul D. Guglielmo d/b/a Guglielmo & Associates (“Defendant”) alleging that the debt collection letters received from Defendant did not comply with the Federal Fair Debt Collection Practices Act (“FDCPA”). Specifically, Plaintiffs contend that the letters violated the FDCPA by omitting a portion of the notice required by 15 U.S.C. ¶1692g(a)(3).

Defendant denies that he violated the FDCPA in any manner. Defendant also contends that any error in the form of the collection letters resulted from a bona fide error, and hence, Defendant is not liable for any such violation under the FDCPA. Defendant also challenges the ability of Plaintiffs or the proposed class to recover any damages based on the letter.

The Parties, however, are aware of the costs and expenses of engaging in protracted litigation. Accordingly, to resolve this matter without the expense and uncertainties of litigation, Plaintiffs and Defendant have reached a proposed settlement (“Settlement”). By settling this Lawsuit, Defendant is not admitting that he is liable to Plaintiffs or the class members, but rather, he expressly denies any such liability.

3. Why is this a Class Action?

Believing that others also received a similar collection letter from Defendant, Plaintiffs filed the Lawsuit as a class action. A class action is a type of lawsuit in which one or a few individuals represent a group of people who were also allegedly harmed by a defendant’s conduct. This group of people is referred to as the “Class” or as the “Class Members.”

4. Who is a Class Member for this Lawsuit?

You are a Class Member for this Lawsuit and your rights are affected if you were (i) a Nevada resident to whom (ii) Defendant sent or caused to be sent a letter in the form of Exhibits A, B, and or C to the Complaint filed in the Lawsuit (iii) on behalf of Discover Bank (iv) in an attempt to collect a debt incurred for personal, family or household purposes (v) during the one year period before filing this action through the date of certification.

5. What Relief is Provided to Class Members Under the Settlement?

At the Court's direction, Defendant has established a settlement fund of \$14,269.50 ("Settlement Fund") and all Class Members will be sent a check constituting their pro rata share of the Settlement Fund based on the number of Class Members. Defendant estimates that there are approximately 2,114 Class Members in the Class. Accordingly, your pro-rata share of the Settlement Fund is estimated to be approximately \$6.75. After 90 days of the date of issuance, any un-cashed checks to Class Members will be distributed as a *cy pres* award to Legal Aid Center of Southern Nevada for use in consumer representation and/or education.

6. How Do I Make a Claim in the Settlement?

Defendant's records reflect that you are a Class Member. Accordingly, you do not need to do anything to receive your pro rata share of the Settlement Fund. Unless you choose to exclude yourself from the Class in the manner specified in Section 7 below, you will receive your pro rata share of the Settlement Fund upon final approval of the Settlement by the Court as described in Section 11 below.

7. How Do I Enter My Appearance in this Lawsuit?

If you wish to enter an appearance in this Lawsuit, you must file your appearance with the Court by July 15, 2015. Entering an appearance is **NOT** necessary to participate in the Settlement or to receive your pro-rata share of the Settlement Fund. You may be represented by your own attorney in this Lawsuit at your own expense.

8. If I Do Not Want to be in the Class, How Do I Exclude Myself?

If you do **NOT** want to remain a Class Member and participate in the Settlement, and wish to exclude yourself from the Lawsuit, you must send a written request to the Claims Administrator listed below. The written request must be in writing and state "I request to be excluded from the class settlement in Carlos J. Hernandez et al. v. Paul D. Guglielmo d/b/a Guglielmo & Associates, Case No. 2:09-cv-00830-LDG-GWF," or words to that effect. The Class Member's name, address, telephone number, and must be signed by the Class Member. The request must be sent by first-class mail and received no later than July 15, 2015, addressed to:

Claims Administrator

First Class, Inc.
Class Action Administration
5410 W. Roosevelt Road, Suite 222
Chicago, IL 60644-1479

Requests for exclusion received after July 15, 2015 will not be effective.

By electing to be excluded from the Class, (1) you will not share in any recovery under the Settlement; (2) you will not be bound by any orders or judgments entered in the Lawsuit; and (3) you may present any claim you may have against the Released Parties (as described in Section

12 below) in your own separate lawsuit at your own expense.

9. If I Do Not Like the Settlement, How Do I Object?

If you are a Class Member, you have the right to appear before the Court at the Final Approval Hearing on ^{Aug. 10}~~2015~~ at 10AM in Courtroom 6B of the United States District Court, District of Nevada, located at 333 Las Vegas Boulevard South, Las Vegas, Nevada, 89101, and object to the Settlement. However, you must first file a Notice of Intention to Appear and Object (“Objection”) with the Clerk of the Court at, District of Nevada, 333 Las Vegas Boulevard South, Las Vegas, Nevada, 89101 by July 15, 2015. You must provide in your Objection (1) the name and number of this case (*Carlos J. Hernandez et al. v. Paul D. Guglielmo d/b/a Guglielmo & Associates*, Case No. 2:09-cv-00830-LDG-GWF), (2) a notice of your intention to appear at the Final Approval Hearing, if you so intend; (3) your name and address and your counsel’s name and address (if you intend to appear through counsel); (4) a statement of the basis for each objection asserted; (5) documentary proof that you are a Class Member, e.g. a copy of this notice; (6) any legal authority you wish the Court to consider; (7) a list of documents and things you wish the Court to consider; (8) a list of documents and things you may offer as evidence or exhibits; and (9) the names and addresses of any witnesses you may call to testify and a summary of each such witness’s expected testimony.

10. What is the Difference Between Objecting and Excluding?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you remain a Class Member. Excluding yourself as a Class Member is telling the Court that you do not want to be a part of the Class or this Lawsuit. If you exclude yourself, you have no basis to object because the Lawsuit no longer affects you.

11. If I Remain as a Class Member, Who Represents Me?

The Court has approved the following attorneys to represent the Class. They are called “Class Counsel.” You will not be charged for Class Counsel’s services. If you want to be represented by your own lawyer, you may hire one at your own expense.

Class Counsel

Craig B. Friedberg
Law Offices of Craig B. Friedberg, Esq.
4760 South Pecos Road, #103
Las Vegas, Nevada 89121

- and -

O. Randolph Bragg
Horwitz, Horwitz & Associates, Ltd.
25 East Washington Street, Suite 900
Chicago, Illinois 60602-1716

(312) 564-7551

12. When Will the Court Decide Whether the Settlement Should be Approved?

The Court will hold the Final Settlement Approval Hearing on Aug. 10, 2015 at 10AM in Courtroom 6B of the United States District Court, District of Nevada, located at 333 Las Vegas Boulevard South, Las Vegas, Nevada, 89101. At this hearing, the Court will consider whether the Settlement is fair, reasonable and adequate to the Class Members. If there are any objections, the Court will consider them at this hearing. The Court may also decide how much Defendant will be required to pay Class Counsel as reasonable attorneys' fees. At or after the hearing, the Court will decide whether to approve the Settlement. The hearing can be continued at any time by the Court without further notice to you. **YOU ARE NOT REQUIRED TO ATTEND THE HEARING IN ORDER TO PARTICIPATE IN THE SETTLEMENT.**

13. What Claims Will I Release if the Settlement is Approved by the Court?

Unless you exclude yourself as a Class Member from the Settlement pursuant to Section 8 above, all of the Court's orders will apply to you. If the Settlement is approved by the Court, the Class Members will release Defendant and all of his parents, affiliates, and subsidiaries and all of their respective successors, assigns, officers, directors, servants, agents, attorneys, representatives, contractors and employees (the "Released Parties") from any and all obligations, costs, expenses, damages, losses, claims, liabilities, and demands, of whatever character, known or unknown, arising out of the form collection letters attached to the Complaint as Exhibits A, B or C or relating to any claim alleged in the Lawsuit due to Defendant's alleged violation of the FDCPA as alleged in this Lawsuit.

14. How Will Class Counsel's Fees and Expenses be Paid?

Class Counsel will seek Court approval for an award of reasonable attorneys' fees, costs and expenses up to \$147,500.00. Any amount of attorneys' fees sought by Class Counsel must be approved by the Court, and will be paid by Defendant in addition to, and will not reduce, the Settlement Fund.

15. How Will the Costs Associated with the Notice and Administration of this Settlement be Paid?

The costs associated with the notice and administration of this Settlement will be paid by Defendant in addition to, and will not reduce, the Settlement Fund.

16. What Are the Statutory Damages and Incentive Award to the Class Representative?

The Court has appointed Plaintiffs Carlos J. Hernandez and Ryan A. Evans as the class representatives ("Class Representatives"). Each of the Class Representatives will each be paid \$3,700.00 for their statutory damages and his services as Class Representative. If approved by the Court, this amount will be paid by Defendant to the Class Representatives in addition to, and will not reduce, the Settlement Fund.

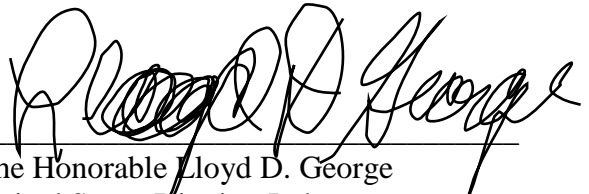
17. Where Can I Obtain More Information About the Settlement?

This Notice is only a summary of the proceedings in the Lawsuit. If you need additional information about the Lawsuit or the terms of the Settlement, you may contact Class Counsel, using the contact information listed in Section 10 above, or you can contact the Claims Administrator using the contact information listed in Section 7 above. Please include the case name and number, and your name and your current return address on any letters, not just the envelopes. You may review the file in this case at the Office of the Clerk, located at, United States District Court, District of Nevada, 333 Las Vegas Boulevard South, Las Vegas, Nevada, 89101.

PLEASE DO NOT CALL THE COURT OR DEFENDANT'S ATTORNEYS

By Order of the Court.

Dated: 4 May 2015


The Honorable Lloyd D. George
United States District Judge
District of Nevada